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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,679	01/14/2002	Jonathan Michael Friedman	410862000111	6606

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EXAMINER	
BRODA, SAMUEL	
ART UNIT	PAPER NUMBER

2123

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,679

Applicant(s)

FRIEDMAN ET AL.

Examiner

Samuel Broda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This Application is a divisional application of Application No. 09/182,101. In this Application, a Preliminary Amendment canceled claims 1-55 and 57-80; claim 56 is pending and has been examined.

Information Disclosure Statement

2. In Paper No. 2, Applicants appear to have submitted two patents as part of an Information Disclosure Statement ("IDS") dated 11 February 2002. However, the actual copy of Form PTO-1449 does not appear in the Application file. The two patents included in the file are:

- (1) Sharples et al, U.S. Patent 6,240,450; and
- (2) Park, U.S. Patent 6,260,141.

These patents were considered and are placed on the Form PTO-892 included in this Office Action. Applicants are requested to submit a copy of the Form PTO-1449 that was previously submitted on 11 February 2002. The Office regrets any inconvenience caused to Applicants.

Drawings

3. Applicants' formal drawings have been reviewed and approved by the PTO Draftsperson.

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Claim Rejections - 35 U.S.C. § 112, Second Paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.1 Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This claim recites the limitation “the definition of a hierarchy of revision entries” in lines 3-4 and the limitation “the linked series of revision entries” in line 8. There is insufficient antecedent basis for each limitation in the claim.

4.2 For the purpose of further claim examination, each limitation above will be considered as defining the same feature corresponding to “a hierarchical linked series of revision entries.”

Claim Rejections - 35 U.S.C. § 101

5. The following is a quotation of 35 U.S.C. 101:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.1 Claim 56 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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5.2 Regarding independent claim 56, the claim preamble states “A revision mechanism for a modeling system, the revision mechanism being configured.” The claim limitations describe the configuration abilities of the revision mechanism but fail to include one or more limitations having a practical application providing a useful, concrete, and tangible result.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

...

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.1 Claim 56 is rejected under 35 U.S.C. 102(b) as being anticipated by Petrie, “The Redux’ Server,” IEEE Proceedings of the International Conference on Intelligent and Cooperative Information Systems, pp. 134-143 (May 1993).

Petrie teaches use of the “Redux” server that takes objects of types defined in an ontology of decision components [corresponding to a modeling system] and maintains dependencies between them. See Abstract at page 134.

6.2 Regarding claim 56, Petrie teaches a revision mechanism for a modeling system, the revision mechanism being configured:

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to record revisions of the model of the scenario including the definition of a hierarchy of revision entries, each revision entry including pointers to adjoining entries in the hierarchy and including a definition of a previous value of a property and an current value of a property [hierarchy of revision entries corresponding to Fig. 6 “Standard Decision Dependencies” at page 141 with properties corresponding to data held in “slots” described at page 139 column 2 through page 140 column 1]; and

in response to selection of a revision of the model of the scenario, to access the linked series of revision entries selectively to remove and to reintroduce the selected revision for the current version of the model [model revisions include selective removal and reintroduction of revisions corresponding to “backtracking” performed by Redux’ as part of model constraint handling; see Section 2.4 “Optimality and Backtracking” at page 137 column 2 through page 139 column 1 and Section 3.3 “Behavior” at page 142].

Therefore, claim 56 is anticipated by Petrie.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicants’ disclosure.

Reference to Scandura, U.S. Patent 6,275,976 issued 14 August 2001, is cited as teaching an automated method for building and maintaining software.

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Reference to Lo et al, U.S. Patent 5,870,764 issued 9 February 1999, is cited as teaching a method of managing a data structure for concurrent serial and parallel work revisions using a set of "Blops" organized as "Pools" and grouped together in "Layers."


Reference to Kristoff et al, "The Process Specification System for MMST," IEEE Transactions on Semiconductor Manufacturing, Vol. 8 No. 3, pp. 262-271 (August 1995), is cited as teaching a process specification system including the organization of a set of revisions to a document and permitting change notice control.

Reference to Courtney et al, "Relating Hierarchy Designs Back to Their Predecessors," IEEE Symposium on Applied Computing, pp. 412-421 (April 1991), is cited as teaching a method to relate a design back to an earlier version by mapping the various components of the design.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (703) 305-1026. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.


SAMUEL BRODA, ESQ.
PRIMARY EXAMINER